In the High Court for the States of Punjab and Haryana, at Chandigarh.

C.W.P.No. 1271 of 2006
Decided on Nov 09,2006.

Shyam Sunder --Petitioner

vs.

Haryana Financial Corporation and others --Respondents.

Coram: Hon'ble Mr.Justice Jasbir Singh
Hon'ble Mr.Justice Pritam Pal

Present: Mr.RakeshVerma,Advocate,for the petitionerr

Mr.Puneet Gupta,Advocte,for respondent Nos. 1 to 3

Jasbir Singh J:(Oral)

In this writ petition, it is prayer of the petitioner that Recovery Certificate dated December 08,2004 (Annexure P-7), be set aside, as the above said Certificate has been issued by invoking the provisions of Haryana Public Moneys (Recovery of Dues) Act, 1979, which is not open to the Corporation, to do so. To say so, counsel has placed reliance upon judgment of the Hon'ble Supreme Court in Unique Butyle Industries (P) Ltd. v. U.P. Financial Corporation and others, (2003) 2 Supreme Court Cases, 455.

When confronted with above mentioned situation, Mr.Gupta, counsel for the respondents has failed to show anything to the contrary.

In view of ratio of the judgment of the Hon'ble Supreme Court, referred to above, this writ petition is allowed. Recovery

Certificate Annexure P-7 dated December 08,2004, is set aside. However, liberty is granted to the respondent Corporation to proceed afresh, as per law.

(Jasbir Singh)
Judge

Nov 09,2006,
RR

(Pritam Pal)
Judge